

OFFICE OF THE ATTORNEY GENERAL



93-00149

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STATE OF ALABAMA

MAR - 2 1993

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

Honorable James L. Banks
Mayor, Town of Odenville
P. O. Box 113
Odenville, AL 35120

Municipalities - Billiards and
Billiard Rooms - Crimes and
Offenses - Gaming

Section 34-6-16, Code, provides
for criminal sanctions against
a person who violates the laws
regulating game rooms in which
coin-operated pool tables are
located.

Dear Mayor Banks:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Do coin-operated pool tables constitute
compliance with each and every section of
Code of Alabama 1975, § 34-6-1 through
§ 34-6-35?

FACTS AND ANALYSIS

The provisions of Code of Alabama 1975, §§ 34-6-1, et seq.,
are applicable to game rooms in which coin-operated pool tables
are located. See Attorney General's opinion to Mayor James L.
Banks, dated June 30, 1989, A.G. No. 89-00344. Any game room
in which coin-operated pool tables are located must be in
compliance with Code Sections 34-6-1 through 34-6-35. In

addition, the municipality has the authority to regulate the public's use of a game room in which coin-operated pool tables are located. Code of Alabama 1975, § 11-51-102. Attorney General's opinion to Mayor H. A. Alexander, dated March 22, 1982, A.G. No. 82-00243.

A violation of the laws set forth in Code of Alabama 1975, § 34-6-1 through -16 is prosecuted as would be any other misdemeanor. If the municipality has adopted any pertinent regulations, the game room must be in compliance with those municipal ordinances. The municipality has the authority to prohibit game rooms in which coin-operated pool tables are located or to refuse to license such businesses when the public good or safety demands it. Code of Alabama 1975, § 11-51-102.

Code Section 34-6-16 provides criminal sanctions against any person convicted of violating the provisions of Code § 34-6-1 through § 34-6-15. Upon a second conviction for violating the Code provisions, no license shall be issued to the convicted person. Thus, the state billiard laws are enforced by criminal sanctions and, upon a second conviction for a violation thereof, by the loss of licensure.

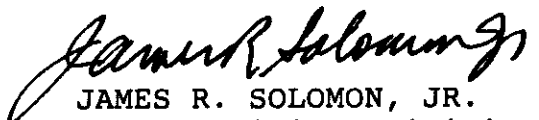
CONCLUSION

Section 34-6-16, Code, provides for criminal sanctions against a person who violates the laws regulating game rooms in which coin-operated pool tables are located.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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